

REMARKS**Summary of the Office Action**

Claims 1, 4, 23, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takeuchi (JP 2003-035893).

Claims 2, 3, 7-16, 24, 25, and 29-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi in view of Smith et al. (presumably US 6,574,487) and Kaneko (US 2002/0176036).

Claims 17-22 and 39-44 stand rejected on stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi in view of Smith et al. (again, presumably US 6,574,487) and Kaneko (US 2002/0176036).

Applicants wish to thank the Examiner for the indication that claims 5, 6, 27, and 28 contain allowable subject matter.

Summary of the Response to the Office Action

Applicants have amended claims 1, 7, 17, 23, 29, and 39 to further define the invention. Accordingly, claims 1-44 are pending.

All Claims Define Allowable Subject Matter

Claims 1, 4, 23, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takeuchi (JP 2003-035893), claims 2, 3, 7-16, 24, 25, and 29-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi in view of Smith et al. (presumably US 6,574,487) and Kaneko (US 2002/0176036), and claims 17-22 and 39-44 stand rejected on stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi in view of Smith et al. (again, presumably US 6,574,487) and Kaneko (US 2002/0176036). Applicants respectfully traverse these rejections on grounds that the applied references, whether taken singly or combined, fail to

teach or suggest the combination of features recited by amended independent claims 1, 7, 13, 21, 27, and 33 and 21, and hence dependent claims 2-6, 8-12, 14-20, 22-26, 28-32, and 34-40.

Initially, Applicants' comments below directed toward Takeuchi are based upon the English-language machine translation provided with the Office Action issued March 9, 2007. Accordingly, Applicants have not verified the accuracy of the translation, and thus, do not represent that the interpretation of Takeuchi, as set forth below, is correct.

Independent claims 1, 7, 17, 23, 29, and ~~39~~ 34, as amended, recite an LCD device/method including, in part, first and second front light units having first sides that are "disposed at opposite sides of the liquid crystal panel," wherein "the first and second front light units each have second sides opposite to the first sides having prismatic configurations." This feature is clearly and completely absent from the disclosures of Takeuchi, Smith and Kaneko. Thus, the disclosures of Takeuchi, Smith and Kaneko do not and cannot anticipate claims 1, 7, 17, 23, 29 and 39.

With regard to the rejection of claims 2, 3, 7-16, 24, 25, and 29-38 under 35 U.S.C. § 103(a) as being unpatentable over Takeuchi in view of Smith et al. and Kaneko (US 2002/0176036), Applicants presume that the cited reference to "Smith et al" is actually US Patent No. 6,574,487. Accordingly, Applicants respectfully request immediate clarification in the next Communication from the Office. If Applicants' presumption is not correct, then Applicants respectfully request that the next Office Action not be made final in order to allow for a fair opportunity to address the cited reference of "Smith et al".

The Office Action implies that Takeuchi fails to teach or suggest "the LC panel being formed in a mode selected from the group consisting of TN mode, IPS mode, and VA mode, optical axes of the polarizers being perpendicular." Accordingly, the Office Action apparently

relies upon the cited reference of “Smith et al” to allegedly disclose “that it is common to employ mode selected from the group consisting of TN mode, IPS mode, and VA mode, and optical axes of the polarizers being perpendicular (col. 3, lines 12-26).” Thus, the Office Action concludes that it would have been obvious “in view of Smith to employ the LC panel being formed in a mode selected from the group consisting of TN mode, IPS mode, and VA mode, and optical axes of the polarizers being perpendicular in the dual LCD device of JP’893 because these modes and the perpendicular configuration of the polarizers are common in the art.” Applicants respectfully disagree.

First, Applicants respectfully assert that Smith et al. is completely silent with regard to forming a liquid crystal panel having different modes of operation for an LCD device, and completely silent with regard to polarizers having optical axes perpendicular to each other.

The portion of Smith et al. relied upon by the Office Action (col. 3, lines 22-26) is reproduced below:

“While the liquid crystal panel 50 creates a display by locally altering light transmission in each pixel, the liquid crystal panel does not generate the light needed for viewing the display. There are two approaches for providing light for the display.”

As shown above, Smith et al. completely fails to establish that “it is common to employ mode selected from the group consisting of TN mode, IPS mode, and VA mode, and optical axes of the polarizers being perpendicular (col. 3, lines 12-26),” as alleged by the Office Action.

Accordingly, Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to at least claims 2, 3, 7-16, 24, 25, and 29-38, since Smith et al. clearly fails to remedy the implied deficiencies of Takeuchi et al.

Second, with regard to the Office Action's position that "it is common to employ mode selected from the group consisting of TN mode, IPS mode, and VA mode," Applicants respectfully submit that, as instructed in MPEP 2144.03A, "[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known," and, in part, "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principle evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697." Accordingly, Applicants respectfully submit that since none of the prior art of record teaches or suggests that TN, IPS, and VA modes of formation is well known and capable of instant and unquestionable demonstration as being well-known for forming the structures and methods of independent

claims 1, 7, 17, 23, 29, and 39, then it is not appropriate for the Examiner to take official notice or make the assertion that TN, IPS, and VA modes of formation are well known.

Furthermore, as instructed by MPEP 2144.03C, "[i]f applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office Action if the rejection is maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697." Thus, Applicants respectfully submit that if the rejection is maintained, documentary evidence be provided in the next Office Action that it is well-known for forming the structures and methods of independent claims 1, 7, 17, 23, 29, and 39 with TN, IPS, and VA modes of formation.

Third, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)." See MPEP

2143.01. Thus, Applicants respectfully submit that since both Takeuchi, Smith et al., and Kaneko et al., whether taken singly or combined, fail to teach or suggest forming the structures and methods of independent claims 1, 7, 17, 23, 29, and 39 with TN, IPS, and VA modes of formation, then Takeuchi, Smith et al., and Kaneko et al., whether taken singly or combined, fail to provide motivation with which to arrive at the presently claimed invention.

For at least the above reasons, Applicants respectfully asserts that claims 1-44 are neither taught nor suggested by the applied prior art references, whether taken alone or in combination. Thus, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because the above-discussed novel combination of features are neither taught nor suggested by any of the applied references.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of

time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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